

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

WILLIAM RINICK	:	CIVIL ACTION
	:	
v.	:	
	:	
SUPERINTENDENT OF SCI-	:	
GRATERFORD, et al.	:	NO. 05-6134

ORDER

AND NOW, this 5th day of May, 2006, it is hereby
ORDERED that:

(1) the Report and Recommendation is APPROVED and
ADOPTED insofar as it concludes that this is the second or
successive petition of William Rinick under 28 U.S.C. § 2254.
The court therefore does not need to reach the statute of
limitations issue;

(2) the Petition for a Writ of Habeas Corpus is
DISMISSED without prejudice to the right of petitioner to move in
the United States Court of Appeals for the Third Circuit for an
order authorizing the district court to consider the petition.
See 28 U.S.C. § 2244; and

(3) a certificate of appealability is not issued.

BY THE COURT:

/s/ Harvey Bartle III

C.J.